

Zoning Text Amendment No: 04-04  
Concerning: Special Exception for  
Combination Retail Establishments  
Draft No. & Date: 1 – 2/17/04  
Introduced: February 24, 2004  
Public Hearing: April 1, 2004; 7:30 PM  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Council President at the request of the County Executive

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance for the purpose of:

- defining the term “combination retail store”;
- requiring any combination retail store established after a certain date to obtain special exception approval; and
- allowing any combination retail store established before a certain date to continue as a conforming use.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-4	“COMMERCIAL ZONES”
Section 59-C-4.2	“Land uses”
DIVISON 59-G-2	“SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS”

**EXPLANATION:** ***Boldface** indicates a heading or a defined term.*  
*Underlining indicates text that is added to existing laws by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted*

*from the text amendment by amendment.*

*\* \* \* indicates existing law unaffected by the text amendment.*

### *ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-A-2 is amended as follows:**

**DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

**59-A-2.1 Definitions.**

\* \* \*

**Combination retail store:** A department or retail store that exceeds 120,000 square feet and that devotes 10 percent or more of its gross floor area or combination of its gross floor area to a food and beverage store, a drug store, or a grocery store. A club or membership store that charges a membership or access fee and sells primarily bulk merchandise is not a combination retail store.

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**Sec. 2. Division 59-C-4 is amended as follows:**

**DIVISION 59-C-4. COMMERCIAL ZONES.**

\* \* \*

**59-C-4.2. Land uses.**

\* \* \*

	C-T	O-M	C-O	C-P	C-1	C-2	C-3	C-4	C-5	C-6	H-M	Country Inn
<b>(d) Commercial:</b>												
* * *												
<u>Combination retail store.*</u>						<u>SE</u>	<u>SE</u>					

\* \* \*

\*Any combination retail store in existence before (ZTA Effective Date) is a conforming use and may continue in accordance with the standards in effect before (ZTA Effective Date). Any reconstruction or enlargement of a combination retail store in existence before (ZTA Effective Date) must comply with the standards in effect after (ZTA Effective Date).

**Sec. 2. DIVISION 59-G-2 is amended as follows:**

**DIVISION 59-G-2. SPECIAL EXEPTIONS – STANDARDS AND REQUIREMENTS.**

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<u>USE</u>	<u>SECTION</u>
Clinic. . . . .	G-2.14
<u>Combination retail store . . . . .</u>	<u>G-2.15</u>
Conference center with lodging . . . . .	G-2.15.1

\* \* \*

**59-G-2.15. [Reserved] Combination Retail Store.**

A special exception for a combination retail store may be granted, subject to the following requirements:

- (a) The use must not constitute a nuisance because of noise, illumination, fumes, odors or physical activity at the proposed site.
- (b) The site must have direct vehicular access to an existing arterial or major highway.
- (c) The use must not create a traffic hazard.
- (d) The streets and roads adjoining the site must be adequate to accommodate the increased traffic generated.
- (e) The use must be screened from any abutting residentially zoned property by the natural terrain or by a solid wall or fence, not less than five feet in height, together with a three-foot wide planting strip on the outside of the wall or fence, planted in shrubs and evergreens three feet high at the time of the original planting.
- (f) Parking must be provided as required by Article 59-E.

(g) Product displays, parked vehicles and other obstructions that reduce visibility at intersections or at entrances and exits to and from the site are not permitted.

(h) Lighting must not reflect, or cause glare, on any property located in a residential zone.

**Sec. 3. Effective date.** This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

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Mary A. Edgar, CMC

Clerk of the Council